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Attorney for Defendant NAVAL MOHTA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANOOP RAJKUMAR

Plaintiff,

vs.

CISCO SYSTEMS, INC., WIPRO
TECHNOLOGIES, INC., DELOITTE
CONSULTING LLC, NAVAL MOHTA,
VENU DHARMAPURI, KENNY PAUL, and
VARIOUS JOHN DOES,

Defendants.

Case No. C08-01600 PVT

DEFENDANT NAVAL MOHTA'S ANSWER
TO COMPLAINT; CERTIFICATE OF
INTERESTED PERSONS OR ENTITIES

Defendant Naval Mohta ("Mohta"), by and through his attorney Law Offices of Richard Wahng, states for his Answer and Affirmative Defenses to the Complaint of plaintiff Anoop Rajkumar as follows:

JURISDICTION

1. The allegations in this paragraph amount to legal conclusions to which no answer is required.

2. The allegations in this paragraph amount to legal conclusions to which no answer is required.

PARTIES

3. Mohta is without knowledge or information sufficient to form a belief as to the truth of the allegations, and on that basis denies.

DEFENDANT NAVAL MOHTA'S ANSWER TO COMPLAINT; CERTIFICATE OF INTERESTED PERSONS OR ENTITIES

1 4. Mohta is without knowledge or information sufficient to form a belief as to the truth of
2 the allegations, and on that basis denies.

3 5. Mohta is without knowledge or information sufficient to form a belief as to the truth of
4 the allegations, and on that basis denies.

5 6. Mohta is without knowledge or information sufficient to form a belief as to the truth of
6 the allegations, and on that basis denies.

7 7. Mohta admits that he resides in Santa Clara County, California.

8 8. Mohta is without knowledge or information sufficient to form a belief as to the truth of
9 the allegations, and on that basis denies.

10 9. Mohta is without knowledge or information sufficient to form a belief as to the truth of
11 the allegations, and on that basis denies.

12 10. Mohta is without knowledge or information sufficient to form a belief as to the truth
13 of the allegations, and on that basis denies.

14 11. Mohta is without knowledge or information sufficient to form a belief as to the truth
15 of the allegations, and on that basis denies.

16 12. Mohta is without knowledge or information sufficient to form a belief as to the truth
17 of the allegations, and on that basis denies.

18 13. Mohta is without knowledge or information sufficient to form a belief as to the truth
19 of the allegations, and on that basis denies.

20 14. Mohta denies that he was an agent, servant, business partner, or in joint ventures with
21 other named defendants in this case. Mohta is without knowledge or information sufficient to
22 form a belief as to the truth of the allegations pertaining to other defendants, and on that basis
23 denies.

24 COUNT I

25 15. Mohta denies each and every allegation in this paragraph against him. Mohta is
26 without knowledge or information sufficient to form a belief as to the truth of the allegations
27 pertaining to other defendants, and on that basis denies.
28

1 16. Mohta is without knowledge or information sufficient to form a belief as to the truth
2 of the allegations, and on that basis denies.

3 17. Mohta is without knowledge or information sufficient to form a belief as to the truth
4 of the allegations, and on that basis denies.

5 18. Mohta is without knowledge or information sufficient to form a belief as to the truth
6 of the allegations, and on that basis denies.

7 COUNT II

8 19. Defendant Mohta incorporates by reference responses to paragraphs 15, 16, 17 and
9 18.

10 20. Mohta denies each and every allegation in this paragraph against him. Mohta is
11 without knowledge or information sufficient to form a belief as to the truth of the allegations
12 pertaining to other defendants, and on that basis denies.

13 21. Mohta is without knowledge or information sufficient to form a belief as to the truth
14 of the allegations, and on that basis denies.

15 COUNT III

16 22. Defendant Mohta incorporates by reference responses to paragraphs 15, 16, 17 and
17 18.

18 23. This paragraph states legal conclusions to which no response is required. Insofar as
19 the allegations stated in this are factual, Mohta denies the allegations.

20 24. This paragraph states legal conclusions to which no response is required. Insofar as
21 the allegations stated in this are factual, Mohta denies the allegations.

22 COUNT IV

23 25. Mohta is without knowledge or information sufficient to form a belief as to the truth
24 of the allegations, and on that basis denies.

25 26. This paragraph states legal conclusions to which no response is required. Insofar as
26 the allegations stated in this are factual, Mohta is without knowledge or information sufficient to
27 form a belief as to the truth of the allegations against Deloitte Consulting LLC, and on that basis
28 denies.

COUNT V

27. Defendant Mohta incorporates by reference responses to paragraphs 16, 17 and 18.

28. This paragraph states legal conclusions to which no response is required. Insofar as the allegations stated in this are factual, Mohta denies the allegations.

29. Mohta is without knowledge or information sufficient to form a belief as to damages allegedly suffered by plaintiff, if any, and on that basis denies. In all other respects denied.

COUNT VI

30. Defendant Mohta incorporates by reference responses to paragraphs 1-29.

31. Mohta is without knowledge or information sufficient to form a belief as to the truth of the allegations, and on that basis denies.

32. Mohta is without knowledge or information sufficient to form a belief as to the truth of the allegations, and on that basis denies.

33. This paragraph states legal conclusions to which no response is required. Insofar as the allegations stated in this are factual, Mohta is without knowledge or information sufficient to form a belief as to the truth of the allegations against other defendants, and on that basis denies.

COUNT VII

34. Defendant Mohta incorporates by reference responses to paragraphs 1-33.

35. Mohta denies each and every allegation in this paragraph against him. Mohta is without knowledge or information sufficient to form a belief as to the truth of the allegations pertaining to other defendants, and on that basis denies.

36. This paragraph states legal conclusions to which no response is required. Insofar as the allegations stated in this are factual, Mohta denies the allegations. Mohta is without knowledge or information sufficient to form a belief as to the truth of the allegations against other defendants, and on that basis denies.

37. Mohta is without knowledge or information sufficient to form a belief as to damages allegedly suffered by plaintiff, if any, and on that basis denies. Mohta is without knowledge or information sufficient to form a belief as to the truth of the allegations pertaining to other defendants, and on that basis denies.

1 Defendant denies that plaintiff is entitled to any of the relief for which plaintiff has
2 prayed, including without limitation compensatory damages, lost wages, prejudgment interest
3 and costs of suit.

4 Defendant hereby denies any and all allegations made by plaintiff unless specially
5 admitted herein. Defendant asserts the following affirmative defenses:

6 **FIRST AFFIRMATIVE DEFENSE**

7 The complaint fails to state any claim upon which relief can be granted.

8 **SECOND AFFIRMATIVE DEFENSE**

9 Some or all of plaintiff's claims are barred by the applicable statute of limitations.

10 **THIRD AFFIRMATIVE DEFENSE**

11 The court lacks personal jurisdiction over the defendant.

12 **FOURTH AFFIRMATIVE DEFENSE**

13 The complaint is barred by virtue of plaintiff's unclean hands.

14 **FIFTH AFFIRMATIVE DEFENSE**

15 By virtue of plaintiff's conduct, plaintiff has waived and is estopped from asserting the
16 causes of action alleged against the defendant in this complaint.

17 **SIXTH AFFIRMATIVE DEFENSE**

18 Plaintiff lacks standing to bring this action.

19 **SEVENTH AFFIRMATIVE DEFENSE**

20 The complaint is barred by plaintiff's failure to avoid or mitigate his damages.

21 **EIGHTH AFFIRMATIVE DEFENSE**

22 The complaint is barred because at all times alleged in the complaint, defendant acted in
23 good faith, and defendant's conduct was at all times reasonable, prudent and justified under the
24 circumstances.

25 **NINTH AFFIRMATIVE DEFENSE**

26 Plaintiff is precluded from asserting the causes of action in the complaint on the ground
27 that plaintiff, or his agents, employees or other representatives, directed, ordered, ratified or
28 approved the actions which form the causes of action set forth in the complaint.

TENTH AFFIRMATIVE DEFENSE

Any damage or loss sustained by plaintiff, if such occurred, was proximately caused or contributed to by plaintiff's own bad faith. Accordingly, plaintiff's recovery, if any, should be reduced by that amount of bad faith attributable to the plaintiff's conduct.

ELEVENTH AFFIRMATIVE DEFENSE

Any award to plaintiff must be offset by all sums received from any source, including but not limited to, unemployment insurance, private insurance, and any sums earned by plaintiff in other employment.

TWELTH AFFIRMATIVE DEFENSE

To the extent that the complaint does not describe the claims or facts with sufficient particularity to permit defendant to ascertain what other defenses may exist, defendant will rely on any and all other defenses that become available or appearing during discovery in this action and specifically reserves the right to amend this Answer for purposes of asserting such additional defenses.

WHEREFORE, defendant requests that the court enter judgment in his favor, and against plaintiff as follows:

1. That plaintiff takes nothing by way of his complaint;
2. For a judgment awarding defendant the cost of suit;
3. For reasonable attorney's fees incurred in the defense of this action; and
4. For such other and further relief as the Court may deem just and proper.

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CERTIFICATION OF INTERESTED ENTITIES OR PERSONS

The undersigned certifies that the following listed persons, associations of persons, firms, partnerships, corporations (including parent corporations) or other entities (i) have a financial interest in the subject matter in controversy or in a party to the proceeding, or (ii) have a non-financial interest in the subject matter or in a party that could be substantially affected by the outcome of this proceeding: None, other than the named parties in this action.

Dated: July 14, 2008

Law Offices of Richard Wahng

/s/
Richard Wahng
Attorney for Defendant